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*Attorneys for Defendant Executive Risk Specialty  
Insurance Company*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LENSCRAFTERS, INC., and EYEXAM OF  
CALIFORNIA, INC.,

Plaintiffs,

v.

LIBERTY MUTUAL FIRE INSURANCE  
COMPANY; EXECUTIVE RISK SPECIALTY  
INSURANCE COMPANY; UNITED STATES  
FIRE INSURANCE COMPANY; MARKEL  
AMERICAN INSURANCE COMPANY and  
WESTCHESTER FIRE INSURANCE  
COMPANY,

Defendants.

AND RELATED CROSS ACTIONS

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
EXECUTIVE RISK SPECIALTY  
INSURANCE COMPANY TO  
RESPOND TO UNITED STATES FIRE  
INSURANCE COMPANY'S  
COUNTERCLAIM**

WHEREAS, on July 31, 2008, Defendant and Counter-Claimant United States Fire Insurance Company ("U.S. Fire") filed its Answer and Counterclaim in response to the Cross-Claim of Defendant and Cross-Claimant Executive Risk Specialty Insurance Company ("ERSIC").

WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(1)(B), ERSIC's response to U.S. Fire's Counterclaim is due August 20, 2008;

1 WHEREAS, ERSIC has requested and U.S. Fire has agreed to a 30-day extension of time  
2 for ERSIC to answer or otherwise respond to the Counterclaim;

3 NOW THEREFORE, the Parties hereby STIPULATE to and REQUEST that the Court  
4 grant an extension of time, to and including September 19, 2008, for ERSIC to answer or  
5 otherwise respond to U.S. Fire's Counterclaim.

6 Date: August 19, 2008

Respectfully submitted,

ROSS, DIXON & BELL, LLP

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8  
9 /s/ Terrence R. McInnis  
10 Terrence R. McInnis

11 and

12 Monique M. Fuentes  
Siavash Daniel Rashtian

13 *Attorneys for Defendant Executive Risk*  
14 *Specialty Insurance Company*

15 SQUIRE, SANDERS & DEMPSEY L.L.P.

16  
17 /s/ David A. Gabianelli  
David A. Gabianelli

18 and

19 Mark C. Goodman  
20 Amy E. Rose  
Andrew L. Chang  
21 *Attorneys for Defendant United States Fire*  
22 *Insurance Company*

23 **IT IS SO ORDERED:**

24 Date: August \_\_, 2008

25 Hon. Sandra Brown Armstrong  
26 United States District Court Judge  
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